

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|-------------------------------|
| CURTIS L. GIBSON, | : | Civil No. 3:17-cv-0547 |
| | : | |
| Plaintiff | : | (Judge Munley) |
| v. | : | |
| | : | |
| CAPT. CROUCH, JR., <i>et al.</i>, | : | |
| | : | |
| Defendants | : | |

.....

ORDER

AND NOW, to wit, this 18th day of March 2019, upon consideration of the motion (Doc. 97) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) filed on behalf of Defendants Wiser, Brennan and Frock, and for the reasons set forth in the Court's Memorandum of the same date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 97) is GRANTED in part and DENIED in part.
2. The motion is GRANTED as follows:
 - a. The claims against Defendants in their official capacity are DISMISSED.
 - b. The Fourteenth Amendment claim against Defendants is DISMISSED.
3. The motion is DENIED with respect to the Eighth Amendment claim.
4. Defendants shall file an Answer or appropriate pretrial motion within thirty days of the date of this Order.

BY THE COURT:

**s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court**